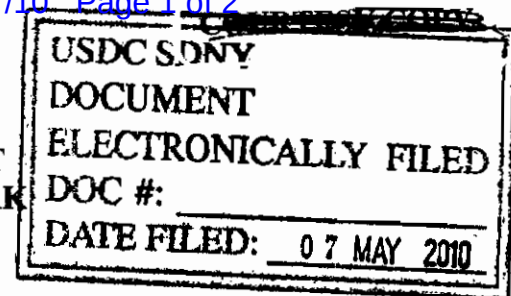


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



IN RE BENNETT ENVIROMENTAL INC.,
SECURITIES LITIGATION

CIVIL ACTION NO. 04-CV-05852-LTS

Judge Laura Taylor Swain

~~PROPOSED~~ ORDER APPROVING FINAL DISTRIBUTION PLAN

Lead Plaintiffs have moved this Court, on notice to Defendants' Counsel, for an order approving a final distribution plan for the Net Settlement Fund, and the Court having considered all the materials and arguments submitted in support of this motion, including the Declaration of Stephen J. Ciriame in Support of Approval of Final Distribution Plan (the "Ciriame Declaration"), submitted therewith, and upon all prior proceedings heretofore had herein;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Court, for the purposes of this Order, adopts the defined terms set forth in the Ciriame Declaration.

2. All Authorized Claimants who have not cashed their previously issued checks have forfeited all rights to paid amounts.

3. The unpaid fees and expenses in the amount of \$55,163.12 incurred by The Garden City Group, Inc. ("GCG"), the Court-approved Claims Administrator, in connection with its administration of the Settlement are approved, and the payment of such unpaid fees and expenses out of the Settlement Fund to GCG is hereby authorized.

4. Because further redistribution of the Net Settlement Fund is not cost-effective, the balance of the Net Settlement Fund, after payment of any additional costs or fees incurred in connection with administering the Net Settlement Fund, shall be donated to the Federal Judicial Center.

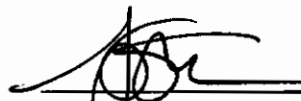
5. The destruction of all copies of the Proof of Claim forms and supporting documents and other correspondence, in whatever form or media they are maintained, is hereby authorized.

6. All persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the Proofs of Claim submitted herein, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund (the "Released Persons"), are released and discharged from any and all claims arising out of such involvement, and all Class Members, whether or not they have received payment from the Net Settlement Fund, are barred from making any further claim against the Net Settlement Fund or the Released Persons.

7. The Court retains jurisdiction to consider any further applications concerning the administration of the Settlement, and such other and further relief as this Court deems appropriate.

Dated: New York, New York

May 7, 2010


HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

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